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Attorneys for Defendants COUNTY OF MONTEREY and
MICHAEL KANALAKIS

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JIMMY D. HAWS, SETH DANIEL HAWS,
and MIA SKYE HAWS, minors, by and
through their guardian ad litem, CARRIE A.
HAWS, and CARRIE A. HAWS,
individually,

Plaintiffs,

v.

COUNTY OF MONTEREY, MICHAEL
KANALAKIS, NATIVIDAD MEDICAL
CENTER and DOES 1-300, inclusive,

Defendants.

Case No. C 07-02599 JF

DECLARATION OF RICHARD S.
DeSAULLES IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO COMPEL
AND FOR SANCTIONS

Date: February 27, 2008
Time: 9:30 a.m.
Ctmm: 4, 5th Floor
Judge: Magistrate Richard Seeborg

I, Richard S. deSaulles, have personal knowledge of the following facts and could testify to them
in a court of law. I declare as follows:

1. I am the Legal Support Manager for the Office of County Counsel, County of Monterey.
2. On December 28, 2007, at approximately 3:15 p.m., Mr. Ralph Boroff called into our office
to speak with Ms. Kirkbride. I was answering our office phone due to the fact that our support staff had
been given permission to leave the office at 3:00 p.m. since it was the Friday before the New Year's
holiday.
3. I told Mr. Boroff that Ms. Kirkbride had just left the office for the day. When I told Mr.

1 Boroff this information, Mr. Boroff audibly expressed his frustration.

2 4. Subsequently, on the afternoon of December 28th, our office received a letter via facsimile
3 from Mr. Boroff addressed to Ms. Kirkbride. (That letter is attached as Exhibit 1 hereto).

4 5. On Monday morning, December 31, 2007, I reviewed the letter from Mr. Boroff. One of
5 my duties as Legal Support Manager in our office is to review all incoming mail and facsimiles. I knew
6 that Ms. Kirkbride was scheduled to be out of the office all day on December 31st and was not scheduled
7 to be back in the office until January 2, 2008.

8 6. I then called and spoke to Mr. Boroff to request an extension of time for Ms. Kirkbride to
9 respond to his letter. (A copy of my letter confirming this conversation is attached as Exhibit 2 hereto).
10 During that telephone conversation, I told Mr. Boroff that I knew that Ms. Kirkbride had sent out several
11 hundred pages of documents via overnight mail to him on the previous Friday, December 28th. In fact,
12 the documents were sent to Mr. Boroff on December 28, 2007, via FedEx Priority Overnight mail, as
13 evidenced by the FedEx US Airbill, Tracking No. 860492781907, attached hereto as Exhibit 3. I
14 personally had prepared the envelope for transmittal to Mr. Boroff. In our telephone conversation, Mr.
15 Boroff did not confirm whether or not he had received the documents, but instead told me he would have
16 to check with his paralegal to see if his office had received them.

17 I declare under penalty of perjury under the laws of the State of California and the United States
18 that the foregoing is true and correct.

19 Executed this First day of February, 2008, in Salinas, California.

21 /S/ Richard S. deSaulles
22 RICHARD S. DeSAULLES
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